Supreme Court U.S.
FILED

051143 MAR 9 - 2006

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DOCKET # _____

SUPREME COURT OF THE UNITED STATES

Richard Fuselier,
Petitioner;

vs.

United States,
Respondent.

AN APPLICATION FOR A WRIT OF HABEAS CORPUS AD SUBJICIENDUM

In Reference to: Richard Fuselier

On An Application For A Writ of Habeas Corpus Ad Subjiciendum To The Common Law Court of the United States of America and the United States District Court for the District of Oregon

Richard Fuselier
Pro Se
204 E. Angus
Youngsville, La. USA 70592
337 857-9090

(a)

QUESTIONS PRESENTED FOR REVIEW

Is the United States of America to obtain full faith and credit as provided by Title 28 U.S.C. § 1652 and Article IV Section 1 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 26 U.S.C. § 634(b) and Article 1, Section 9, Clause 10 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 28 U.S.C. § 2248 and Article 1, Section 9, Clause 2 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 26 U.S.C. § 6511(d)(2)(B)(iii) and by Article IV, Section 1 of the Constitution of the United States?

(b)
LIST OF PETITIONERS

The parties to the writ are as follows:

RICHARD FUSELIER.....Petitioner
UNITED STATES.....Respondent

(c)
CORPORATE DISCLOSURE

The Petitioner, Richard Fuselier, avers that no corporation as provided by Rule 29.6.

(d)
SUPREME COURT RULE 20.1

Rule 20.1 is inapplicable as the writ is not authorized by Title 28 U.S.C. § 1651(a). The writ is authorized by Article 1, Clause 2, Section 9 of the Constitution and is also provided in statutes of the United States in Title 28 U.S.C. § 2241(a) entitled "Power to grant writ".

(e)
SUPREME COURT RULE 20.4

Supreme Court Rule 20.4(a) is not applicable as the original application for habeas

corpus relief was made in the district court by entering evidence of a return issuing out of common law. The said district court did not give full faith and credit of the substantial fact that Richard Fuselier is not a United States citizen. This is an appeal of right of the District Court decision to suspend the Writ of Habeas Corpus Ad Subjiciendum.

Adequate relief of an illegal assessment proceeding is not available in the United States Court of Federal Claims as the United States invoked the protection provided by Title 28 U.S.C. § 1500 by filing a forum shopping civil proceeding against the petitioner in the United States District Court for the Western District of Louisiana.

Adequate relief is not available in the Common Law Court of the United States of America as the United States has waived the right to traverse the said return and no dispute exist of any issue of law or fact at common plea.

Adequate relief is not available in the Ninth Circuit Court of Appeals for the United States as the District Court of Oregon denies the existence of the grand jury proceeding.

Adequate relief is not available in the other courts of the United States as the petitioner, an alien to the United States, lacks standing to sue as a United States citizen.

Adequate relief is provided by Title 48 as hereinafter appears as the only issue to be litigated is full faith and credit of the judicial determinations of the Common Law Court of the United States of America.

(f)

CITATION OF COURT ORDERS

The decision of the United States District Court for the District of Oregon, Grand Jury Proceeding P-05-968 to exclude evidence of a fact material to the grand jury proceeding.

The return of the Common Law Court of the United States of America, In Ref to Richard Fuselier issued on August 9, 2005 docket # 08-0505-2HC.

(g)

STATEMENT OF JURISDICTION

i.

The order to be reviewed was a decision of the United States District Court for the District of Oregon in Docket #P05-968 in a grand jury proceeding.

ii.

The petitioner is invoking the Court's appellate jurisdiction as provided by Title 28 U.S.C. § 1253. The authority for Supreme Court review is provided by Title 48 U.S.C. § 1493(b).

iii.

Service has been made on the Solicitor General of the United States.

(h)

AUTHORITIES

Constitution of the United States

Article I, Section 9, Clause 2
Article I, Section 10, Clause 1
Article IV, Section 1
Amendment IX
Amendment X
Amendment XI

United States Law

Title 26 U.S.C. § 6511(d)(2)(B)(iii)
Title 26 U.S.C. § 643(b)
Title 26 U.S.C. § 7422(a) & (f)
Title 26 C.F.R. § 601.502(a)(1)
Title 28 U.S.C. § 1253
Title 28 U.S.C. § 1492
Title 28 U.S.C. § 1500
Title 28 U.S.C. § 1604
Title 28 U.S.C. § 1652
Title 28 U.S.C. § 2247
Title 28 U.S.C. § 2248
Title 28 U.S.C. § 2502(a)
Title 48 U.S.C. § 1493(b)

Federal Rule of Criminal Procedure 16(d)(1)

(i)

STATEMENT OF THE CASE

The petitioner and others recreated the organic republic by forming a common law jurisdiction under the reservation of authority provided by Amendment IX and X of the Constitution of the United States. Said jurisdiction was used to abrogate United States citizenship of the petitioner and establish foreign estates for tax claims. The citizenship abrogation was a choice of law action. The intent was to claim a common law trial using the privilege of Habeas Corpus as provided Article 1, Section 9, Clause 2 .

The petitioner noticed the United States of said facts and proceeded to make refund claims with the Internal Revenue Service and in the United States Court of Federal Claims using common law judgements. The petitioner eventually amended and made a claim provided by Title 26 § U.S.C. § 643(b) and 26CFR 601.502(a)(1). The United States started a grand jury proceeding in the United States District Court to investigate and stop said acts.

The said grand jury proceeding resulted from an omission by the United States of the mandatory relief provided by Title 26 U.S.C. § 6511(d)(2)(B)(iii).

The petitioner rebutted the presumption of United States citizenship as provided by Article 1, Section 9, Clause 2 of the Constitution and Federal Rule of Criminal Procedure 16(d)(1). The District Court failed to issue a protective or modifying order as provided by Title 26 U.S.C. § 6511(d)(2)(B)(iii), Title 28 U.S.C. § 1604 and Amendment XI of the Constitution of the United States.

The return issuing out of the Common Law Court of the United States of America entered into the District Court records is hereto adopted herein by reference as provided by Title 28 U.S.C. § 2247.

The decision of the District Court to exclude said evidence is a reversible error as provided by the mandates of Title 26 U.S.C. § 6511(d)(2)(B)(iii), Title 28 U.S.C. § 1604 and Amendment XI of the Constitution of the United States.

The basis for federal jurisdiction in the United States Court of Federal Claims in the first instance is provided by Title 28 U.S.C. § 1492 and U.S.C. § 7422(a) of Title 26. The money claim provided by Article 1, Section 10, Clause 1 is referred by Congress to the United States Court of Federal Claims by Title 28 U.S.C. § 2502 and U.S.C. § 7422(e) of Title 26.

(j)

REASONS FOR ALLOWANCE OF WRIT

The petitioner, being a citizen of a foreign state and domiciled therein, is being detained in violation of an order of a foreign state, the validity and effect of which depend upon the law of nations.

The issues of law and fact are res judicata. Title 28 U.S.C. §§s 1652, 2248 and Article IV, Section 1 of the Constitution of the United States provide mandatory relief for the condition of fact that Richard Fuselier is not a United States citizen.

United States of America

Executed on this 28th day of February, 2006. I declare under penalty of perjury that the foregoing is true and correct.

By _____

Richard Fuselier, Pro Se
204 E. Angus
Youngsville, La. USA 70592
Telephone 337 857-9090
Fax 337 857-9096

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CERTIFICATE OF SERVICE

I, Richard Fuselier, do swear and declare that on this date, March 1, 2006, as required by Supreme Court Rule 29(5)(c) and Title 28 U.S.C. § 1696(b) I have served the enclosed:

"An Application For A Writ of Habeas Corpus Ad Subjiciendum"
"Appendix"

Three of aforesaid documents were served on each party to the proceeding or that party's counsel, and on every other person required to be served, by delivery within 3 calendar days and by a method requiri 3 signature.

The name and addresses of those serviced are as follows:

Solicitor General of the United States
Paul D. Clement
Room 5614
Department of Justice
950 Pennsylvania Ave.
Washington, DC 20530-0001

Ryan Archer
Asst. U.S. Attorney
1000 S.W. Third Ave., Suite 600
Portland, Oregon 97204-2902

Clerk of Court
Att: Clayton R. Higgins
United States Supreme Court
Washington, D.C. 20543-0001

Executed on this 1st day of March, 2006.
I declare under penalty of perjury that the
foregoing is true and correct.

By _____
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Youngsville, La. USA 70592
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APPENDIX

(i)

The determination to not use evidence being appealed was made by the United States District Court for the District of Oregon in Docket # 05-968 in a Grand Jury Proceeding.

(ii)

The evidence to be reviewed of the Common Law Court of the United States of America was filed with the said District Court. The finding of facts on Page 1 which provides in part:

> "The Common Law Court of the United States of America has jurisdiction over the party..."

And

> "The jurisdiction of said court is founded upon the fact that citizens of the United States of America have abrogated United States citizenship by acquiring a domicile in and becoming Citizens of the United States of America."

AUTHORITIES

Article I, Section 9, Clause 2

"The Privilege of Habeas Corpus shall not be suspended..."

Article I, Section 10, Clause 1

"No State shall...make any Thing but gold and silver Coin a Tender in Payments of Debts;"

Article IV, Section 1

"Full Faith and Credit shall be given in each State to the...judicial proceedings of every other State."

Amendment IX

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Amendment X

"The powers not delegated to the United States by the Constitution... are reserved ...to the people."

Amendment XI

"The judicial power of the United

States shall not be construed to extend to any suit in law...prosecuted...by Citizens...of any Foreign State."

Title 26 U.S.C. § 6511(d)(2)(B)(iii)

"In the case of any such claim for credit or refund...the determination by any court,...in any proceeding, shall be conclusive..."

Title 26 U.S.C. § 643(b)

"...the term 'income'...means the amount of income of the estate... for the taxable year determined under...applicable local law."

Title 26 U.S.C. § 7422(a)

" No...proceeding shall be maintained...until a claim for refund or credit has been duly filed with the Secretary..."

Title 26 U.S.C. § 7422(f)

"Such...proceeding referred to in subsection (a) may be maintained ...against the United States... notwithstanding the provisions of section 2502 of title 28..."

Title 26 C.F.R. § 601.502(a)(1)

> (1) Attorney. Any individual who is a member in good standing of the bar of the highest court of any...commonwealth..."

Title 28 U.S.C. § 1253

> "Except as otherwise provided by law, any party may appeal to the Supreme Court..."

Title 28 U.S.C. § 1492

> "Any bill...may be referred by either House of Congress to the chief judge of the United States Court of Federal Claims..."

Title 28 U.S.C. § 1500

> "The United States Court of Federal Claims shall not have jurisdiction of any claim for or in respect to which the plaintiff...has pending in any other court..."

Title 28 U.S.C. § 1604

> "...a foreign state shall be immune from the jurisdiction of the courts of the United States..."

Title 28 U.S.C. §1652

"The laws of the several states... shall be regarded as rules of decision in civil actions in the courts of the United States..."

Title 28 U.S.C. § 2247

"...documentary evidence...introduced on any previous similar application by...the same petitioner, shall be admissible as evidence."

Title 28 U.S.C. § 2248

"The allegations of a return to the writ of habeas corpus...if not traversed shall be accepted as true..."

Title 28 U.S.C. § 2502(a)

"Citizens...of any foreign government ...may sue the United States in the United States Court of Federal Claims..."

Title 48 U.S.C. § 1493(b)

"The prosecution in a...Commonwealth... to seek review or other suitable relief...in the Supreme Court of the United States from - a decision of a trial court...excluding

evidence...if the prosecution certifies to the trial court that the appeal is not taken for the purpose of delay and that the evidence is a substantial proof of a fact material in the proceeding;..."

Federal Rule of Criminal Procedure 16(d)(1)

"Upon sufficient showing the court may at any time order that the discovery ...be...restricted...or make such other order as is appropriate."

(iv)

United States of America

Executed on this 28th day of February, 2006. I declare under penalty of perjury that the foregoing is true and correct.

By

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